

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

AUG - 5 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

CR 14 374 WHA

HEDLEY'S HUMBERS, LTD. and
STEPHEN HEDLEY,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 371 – Conspiracy to Traffic Wildlife;
16 U.S.C. § 3372(a)(1) – Wildlife Trafficking;
18 U.S.C. § 545 – Smuggling;
16 U.S.C. § 3374 and 18 U.S.C. §§ 545 and 982(a)(2)(B) and
(b)(1) – Forfeiture

A true bill.

[Signature]

Foreman

Filed in open court this 5th day of

August 2014

[Signature]

Clerk

Bail, \$

no bail arrest warrant
asto Hedley, Stephen; 4
asto Hedley's Humbers

[Signature]
Nathanael Cousins
United States Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 VIOLATIONS: 18 U.S.C. § 371 - Conspiracy to Traffic Wildlife;
 16 U.S.C. § 3372(a)(1) - Wildlife Trafficking; 18 U.S.C. § 545 -
 Smuggling; 16 U.S.C. § 3374 and 18 U.S.C. §§ 545 and 982(a)
 (2)(B) and (b)(1) - Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Conspiracy/Trafficking: 5 years imprisonment; \$250,000 fine; 3
 years supervised release; \$100 special assessment.
 Smuggling: 20 years imprisonment; \$250,000 fine; 3 years
 supervised release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

HEDLEY'S HUMPER, LTD. and STEPHEN HEDLEY

DISTRICT COURT NUMBER

CR 14-0374 WHA

FILED
 AUG - 5 2014

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Commerce Dept., Natl Oceanic & Atmospheric Adm.

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Hartley M. K. West

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

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NORTHERN DISTRICT OF CALIFORNIA

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☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

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Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Released (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person

Furnishing Information on this form Melinda Haag

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Hartley M. K. West

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Date/Time: Before Judge:

Comments:

MELINDA HAAG (CABN 132612)
United States Attorney

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HEDLEY'S HUMBERS, LTD. and
STEPHEN HEDLEY,

Defendants.

) CASE NO. CR 14-374 WHA

) VIOLATIONS: 18 U.S.C. § 371 – Conspiracy to
) Traffic Wildlife; 16 U.S.C. § 3372(a)(1) – Wildlife
) Trafficking; 18 U.S.C. § 545 – Smuggling; 16 U.S.C.
) § 3374 and 18 U.S.C. §§ 545 and 982(a)(2)(B) and
) (b)(1) – Forfeiture

) SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury Charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Superseding Indictment:

1. Defendant HEDLEY'S HUMBERS, LTD. was an international shipping company based in London, England, with offices in Paris, France; Avignon, France; and Brooklyn, New York.
2. Defendant STEPHEN HEDLEY was the owner and operator of HEDLEY'S HUMBERS.
3. M.P. owned a fine art and antique store and wine tasting collective located in Yountville, California, with storage facilities in Napa, California.

SUPERSEDING INDICTMENT

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1 4. Among other wares, M.P.'s store displayed and offered for sale wildlife items such as sea
2 turtle shells, whale bones, and giant clam shells.

3 5. R.T. and G.D. were vendors located in Belgium and specializing in the sale of wildlife
4 products, including wildlife protected under United States laws and regulations.

5 The Lacey Act

6 6. The Lacey Act made it unlawful for any person to import, export, transport, sell, receive,
7 acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported,
8 or sold in violation of any law, treaty, or regulation of the United States. 16 U.S.C. § 3372(a)(1). The
9 term "wildlife" encompassed any wild animal alive or dead, and any part thereof. 16 U.S.C. § 3371(a).

10 7. The Lacey Act further prohibited a person from making or submitting any false record,
11 account, or label for, or any false identification of, any fish or wildlife which had been, or was intended
12 to be, (1) imported, exported, transported, sold, purchased, or received from any foreign country, or (2)
13 transported in interstate or foreign commerce. 16 U.S.C. § 3372(d).

14 CITES and the Endangered Species Act

15 8. On July 1, 1975, the United States entered into the Convention on International Trade in
16 Endangered Species of Wild Fauna and Flora (CITES), which was designed to regulate international
17 trade in wildlife and plants so as to ensure species survival. 50 C.F.R. § 23.1. CITES has been
18 implemented through the Endangered Species Act, 16 U.S.C. § 1531 et seq., and regulations
19 promulgated pursuant to that Act, 50 C.F.R. Part 23.

20 9. CITES classified species in "Appendices," which established a sliding scale of
21 protection. Appendix I listed species that were the most endangered among CITES-listed animals and
22 plants – those that were threatened with extinction. CITES prohibited international trade in specimens
23 of Appendix I species except when the purpose of the import was not commercial, such as for scientific
24 research. 50 C.F.R. §§ 23.13 and 23.55.

25 10. Appendix II listed species that were not necessarily now threatened with extinction but
26 that could become so unless trade is closely controlled. It also included so-called "look-alike species,"
27 meaning species whose specimens in trade look like those of species listed for conservation reasons.
28 International trade in Appendix II species could be authorized by the granting of an export permit or re-

1 export certificate, if relevant authorities were satisfied that trade would not be detrimental to the survival
2 of the species in the wild. 50 C.F.R. §§ 23.4(b), 23.13, and 23.55.

3 11. The CITES regulations covered all living or dead specimens listed in the Appendices, and
4 all their readily recognizable parts. 50 C.F.R. § 23.5.

5 12. The Endangered Species Act made it unlawful to deliver, receive, carry, transport, or
6 ship, in interstate or foreign commerce in the course of a commercial activity, any endangered species of
7 fish or wildlife, including any live or dead parts thereof. 16 U.S.C. §§ 1532(8) and 1538(a)(1)(E). The
8 Act also prohibited the sale or offer for sale of endangered species in interstate or foreign commerce,
9 violation of any regulation pertaining to endangered species, trade in any specimens contrary to CITES,
10 and possession of any specimens so traded. 16 U.S.C. § 1538(a)(1)(F), (a)(1)(G), and (c)(1).

11 13. All sea turtles, Family *cheloniidae*, were listed under CITES Appendix I and categorized
12 as “endangered” or “threatened” under the Endangered Species Act.

13 14. All whales, Family *Cetecea*, were listed under CITES Appendix I or Appendix II.

14 15. Giant clams, Species *Tridacna gigas*, were listed under CITES Appendix II.

15 MANNER AND MEANS OF THE CONSPIRACIES

16 16. HEDLEY and HEDLEY’S HUMBERS were in the business of shipping items from
17 vendors in Europe to buyers, including resellers, in the United States and elsewhere. Buyers purchased
18 antiques, wildlife items, and other items in Europe and contracted with HEDLEY’S HUMBERS to
19 transport the items to the United States. Some of the wildlife items that buyers purchased were
20 protected under CITES, the Endangered Species Act, or both.

21 17. Buyers notified HEDLEY or a HEDLEY’S HUMBERS’ employee of items purchased
22 for import, and provided HEDLEY’S HUMBERS with copies of the vendors’ invoices for these items.
23 HEDLEY or a HEDLEY’S HUMBERS’ employee then contacted the vendors to arrange dates to pick
24 up the items, packaged the items for transport by container ship to a U.S. port of entry, and arranged for
25 transport from that port of entry to the shipment’s ultimate destination. HEDLEY or a HEDLEY’S
26 HUMBERS’ employee also prepared packing lists and shipping invoices, which they provided to freight
27 forwarders and customs brokers. The customs brokers were responsible for preparing U.S. Customs

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1 declarations describing the items being imported and applicable tariff codes, applicable import license
2 applications, and other importation records required by United States laws and regulations.

3 18. HEDLEY or a HEDLEY'S HUMBERS' employee falsely labeled the protected wildlife
4 items in their packing lists and shipping invoices to conceal the items' protected status. At times, the
5 false labels were made in consultation with the buyers. At other times, vendors' invoices contained false
6 descriptions of protected wildlife, which HEDLEY'S HUMBERS repeated in its own packing lists and
7 shipping invoices.

8 19. Based on the false shipping invoices provided by HEDLEY'S HUMBERS, customs
9 brokers provided false Customs declarations and other false importation records. On some occasions, in
10 reliance on these false records, U.S. Customs cleared shipments containing protected wildlife for import
11 into the United States. After protected wildlife items cleared U.S. Customs at the port of entry, the items
12 were transported to the buyers at HEDLEY'S HUMBERS' instruction, generally by truck.

13
14 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Traffic and Smuggle Wildlife)

15 20. Paragraphs 1 through 3, 5 through 13 and 15 through 18 of this Superseding Indictment
16 are hereby re-alleged and incorporated by reference as if set forth in full herein.

17 21. Beginning in or about November 2006 and continuing through in or about October 2009,
18 in the Northern District of California and elsewhere, the defendants,

19 HEDLEY'S HUMBERS, LTD. and
20 STEPHEN HEDLEY,

21 and others did knowingly and willfully conspire:

22 (a) to knowingly transport and sell wildlife that was previously transported and sold
23 in violation of a law, treaty, and regulation of the United States, specifically CITES, in violation of the
24 Lacey Act, Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1);

25 (b) to knowingly make and submit a false record, account, and label for, and false
26 identification of, fish and wildlife that had been and was intended to be imported, transported, sold,
27 purchased, and received from a foreign country, and transported in interstate and foreign commerce, in
28 violation of the Lacey Act, Title 16, United States Code, Sections 3372(d) and 3373(d)(3)(A); and

(c) to knowingly and willfully, with intent to defraud the United States, make out and pass through the customhouse a false, forged, and fraudulent invoice and other document, fraudulently and knowingly bring into the United States merchandise contrary to law, and fraudulently and knowingly facilitate the transportation and concealment of such merchandise after importation, knowing it to have been imported and brought into the United States contrary to law, in violation of Title 18, United States Code, Section 545.

OVERT ACTS

22. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the Northern District of California and elsewhere, HEDLEY'S HUMBERS, HEDLEY, and others committed the following overt acts:

a. On or about October 25, 2006, HEDLEY caused HEDLEY'S HUMBERS to ship from France to M.P. in the Northern District of California two sea turtle shells and a whale vertebra.

b. On or about November 22, 2006, M.P. sent HEDLEY an e-mail directing him "to redo the invoice and email to [the freight forwarder] ASAP." M.P. instructed HEDLEY "lets [sic] not use the word shell use 'oval shaped'" and "w[e] should say 'abstract' wood sculpture instead of Whale Vertebra." M.P. further stated "So, in general we should stay always from any kind of animal, shell , [sic] tortoise, vertebra . . . as these get flagged by fish and game inspectors. . . . Otherwise we are not allowed to bring this type of stuff in without special permit – if at all."

c. On or about November 27, 2006, HEDLEY caused HEDLEY'S HUMBERS to issue a revised shipping invoice for the October 25, 2006 shipment, identifying the sea turtle shells as oval sculptures and the whale vertebra as "abstract wood sculpture."

d. On or about November 27, 2007, HEDLEY'S HUMBERS issued a shipping invoice for a container destined for M.P., which described a sea turtle shell as a "wooden tortoise carving" and whale ribs as "metal whale rib sculpture."

e. On or about October 13, 2008, HEDLEY'S HUMBERS issued a shipping invoice for a container destined for M.P., which described whale parts as "wooden sculptures and a wooden statue."

f. On or about October 6, 2009, HEDLEY'S HUMBERS issued a shipping invoice for a container destined for M.P., which described a sea turtle shell as a "metal sculpture" and whale vertebra as "plastic sculptures."

All in violation of Title 18, United States Code, Section 371.

COUNT TWO: (18 U.S.C. § 371 – Conspiracy to Traffic and Smuggle Wildlife)

23. Paragraphs 1 through 12 and 14 through 18 of this Superseding Indictment are hereby re-alleged and incorporated by reference as if set forth in full herein.

24. Beginning in at least November 2013 and continuing through in or about April 2014, in the Northern District of California and elsewhere, the defendants,

HEDLEY'S HUMBERS, LTD. and
STEPHEN HEDLEY,

and others did knowingly and willfully conspire:

(a) to knowingly transport and sell wildlife that was previously transported and sold in violation of a law, treaty, and regulation of the United States, specifically CITES, in violation of the Lacey Act, Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1);

(b) to knowingly make and submit a false record, account, and label for, and false identification of, fish and wildlife that had been and was intended to be imported, transported, sold, purchased, and received from a foreign country, and transported in interstate and foreign commerce, in violation of the Lacey Act, Title 16, United States Code, Sections 3372(d) and 3373(d)(3)(A); and

(c) to knowingly and willfully, with intent to defraud the United States, make out and pass through the customhouse a false, forged, and fraudulent invoice and other document, fraudulently and knowingly bring into the United States merchandise contrary to law, and fraudulently and knowingly facilitate the transportation and concealment of such merchandise after importation, knowing it to have been imported and brought into the United States contrary to law, in violation of Title 18, United States Code, Section 545.

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OVERT ACTS

25. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the Northern District of California and elsewhere, HEDLEY'S HUMBERS, HEDLEY, and others committed the following overt acts:

a. On or about December 12, 2013, HEDLEY sent an e-mail to M.P. stating in reference to import into the United States of sea turtle shells, "Everything is in the description and best to call them mottled oval sculptures or similar."

b. On or about December 16, 2013, HEDLEY sent an e-mail to M.P. suggesting that he mix "dubious" items with other things in a container to avoid having them X-rayed at the airport.

c. On or about January 11, 2014, G.D. sent an e-mail to M.P. stating that it was "no problem" for G.D. to create an invoice for sea turtle shells referring to them as "mottled oval sculptures."

d. On or about January 18, 2014, HEDLEY sent an e-mail to M.P. instructing him to "use anything that does not say clam shell . . . !" for purposes of describing the giant clam shell.

e. On or about January 21, 2014, R.T. sent an e-mail to M.P. stating R.T.'s invoice would identify a giant clam shell as a "limestone decoration piece."

f. On or about March 3, 2014, a HEDLEY'S HUMBERS employee e-mailed M.P. a copy of the HEDLEY'S HUMBERS shipping invoice, which described two sea turtle shells as "mottled oval sculptures" and a giant clam shell as an "oval sculpture."

g. On or about May 14, 2014, two sea turtle shells and one giant clam shell were delivered to M.P. in Napa, California.

All in violation of Title 18, United States Code, Section 371.

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1 COUNT THREE: (16 U.S.C. §§ 3372(d) and 3373(d)(3)(A) – Wildlife Trafficking; 18 U.S.C. § 2 –
2 Aiding and Abetting)

3 26. Paragraphs 1 through 12 and 15 through 18 of this Superseding Indictment are hereby re-
4 alleged and incorporated by reference as if set forth in full herein.

5 27. On or about February 28, 2014, in the Northern District of California, the defendants,
6 HEDLEY'S HUMBERS, LTD. and
7 STEPHEN HEDLEY,

8 did knowingly and willfully make and submit a false record, account, and label for, and a false
9 identification of, wildlife, specifically two green sea turtle shells, which had been and were intended to
10 be imported, exported, transported, sold, purchased, and received from a foreign country, and
11 transported in interstate and foreign commerce, and did aid and abet another in the same, in violation of
12 Title 16, United States Code, Sections 3372(d) and 3373(d)(3)(A) and Title 18, United States Code,
13 Section 2.

14
15 COUNT FOUR: (16 U.S.C. §§ 3372(d) and 3373(d)(3)(A) – Wildlife Trafficking; 18 U.S.C. § 2 –
16 Aiding and Abetting)

17 28. Paragraphs 1 through 11 and 14 through 18 of this Superseding Indictment are hereby re-
18 alleged and incorporated by reference as if set forth in full herein.

19 29. On or about February 28, 2014, in the Northern District of California, the defendants,
20 HEDLEY'S HUMBERS, LTD. and
21 STEPHEN HEDLEY,

22 did knowingly and willfully make and submit a false record, account, and label for, and a false
23 identification of, wildlife, specifically one giant clam shell, which had been and was intended to be
24 imported, exported, transported, sold, purchased, and received from a foreign country, and transported in
25 interstate and foreign commerce, and did aid and abet another in the same, in violation of Title 16,
26 United States Code, Sections 3372(d) and 3373(d)(3)(A) and Title 18, United States Code, Section 2.

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1 COUNT FIVE: (18 U.S.C. § 545 – Smuggling; 18 U.S.C. § 2 – Aiding and Abetting)

2 30. Paragraphs 1 through 12 and 14 through 18 of this Superseding Indictment are hereby re-
3 alleged and incorporated by reference as if set forth in full herein.

4 31. On or about April 21, 2014, in the Northern District of California, the defendants,

5 HEDLEY'S HUMBERS, LTD. and
6 STEPHEN HEDLEY,

7 did fraudulently and knowingly import and bring into the United States merchandise, specifically two
8 sea turtle shells, contrary to the Endangered Species Act, and did facilitate the transportation and
9 concealment of such merchandise after importation, knowing the same to have been imported and
10 brought into the United States contrary to the Endangered Species Act, in violation of Title 18, United
11 States Code, Section 545.

12
13 FORFEITURE ALLEGATION: (16 U.S.C. § 3374(a)(1) and (a)(2); 18 U.S.C. § 545 – Wildlife
14 Trafficking Forfeiture; 18 U.S.C. § 982(a)(2)(B) – Forfeiture of
Proceeds)

15 32. Paragraphs 1 through 18 of this Superseding Indictment are hereby re-alleged and
16 incorporated by reference as if set forth in full herein.

17 33. Upon conviction of any of the offenses alleged in Counts 1, 2, or 5 of this Superseding
18 Indictment, the defendants,

19 HEDLEY'S HUMBERS, LTD. and
20 STEPHEN HEDLEY,

21 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any
22 property constituting, or derived from, proceeds obtained directly or indirectly, as a result of a violation
23 of Title 18, United States Code, Section 545, or any conspiracy thereto.

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34. Upon conviction of any of the offenses alleged in Counts 3 or 4 of this Superseding Indictment, the defendants,

HEDLEY'S HUMBERS, LTD. and
STEPHEN HEDLEY,

shall forfeit to the United States, pursuant to Title 16, United States Code, Section 3374(a)(1) and (a)(2), all fish and wildlife imported, exported, transported, sold, received, acquired, or purchased contrary to Title 16, United States Code, Section 3372(a) and (d), or any regulation issued pursuant thereto, and all vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish or wildlife if (A) the owner of such vessel, vehicle, aircraft, or equipment was at the time of the violation a consenting party or privy thereto or in the exercise of due care should have known that such vessel, vehicle, aircraft, or equipment would be used in a criminal violation of Title 16, United States Code, Section 3372(a) and (d), and (B) the violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, fish or wildlife.

36. Upon conviction of the offense alleged in Count 5 of this Superseding Indictment, the defendants,

HEDLEY'S HUMBERS, LTD. and
STEPHEN HEDLEY,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 545, any merchandise introduced into the United States in violation of Title 18, United States Code, Section 545.

37. If, as a result of any act or omission of the defendant, any of said property

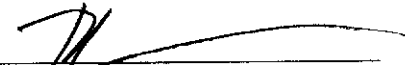
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

any and all interest defendant has in any other property (up to the value of the property subject to forfeiture), shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and Title 28, United States Code, Section 2461(c).

All in violation of Title 16, United States Code, Section 3374; Title 18, United States Code, Sections 545 and 982(a)(2)(B) and (b)(1); Title 28, United States Code, Section 2461(c); and Federal Rule of Criminal Procedure 32.2.


DATED: Aug 5, 2014

A TRUE BILL.


FOREPERSON

MELINDA HAAG
United States Attorney


J. DOUGLAS WILSON
Chief, Criminal Division

(Approved as to form: )
AUSA WEST